

# MINUTES OF THE BOARD MEETING FOR THE DEPARTMENT OF LIVESTOCK

BOARD OF LIVESTOCK MEETING  
DEPARTMENT OF LIVESTOCK  
July 23 & 24, 2007  
HELENA, MONTANA

**July 23, 2007**

**Department of Livestock Board Room**

## **Call To Order**

Chairman Bill Hedstrom called the meeting to order at 1:15 p. m.

## **Attendance:**

### Board of Livestock

Bill Hedstrom, Meg Smith, Linda Nielsen, Janice French, Rebecca Weed, and Stan Boone.  
George Hammond was absent.

### Department Personnel

Christian Mackay, Executive Officer; George Harris, Centralized Services Administrator; Dr. Jeanne Rankin, Acting State Veterinarian, Animal Health; Clyde Huseby, Animal Health; Dan Turcotte, Milk & Egg Bureau Chief/Sanitarian; Carol Olmstead, Meat & Poultry Inspection Bureau Chief, John Grainger, Brands Enforcement Administrator, Evaleen Starkell, Alternative Livestock; and Sherry Rust, Executive Secretary.

### Public

Alan Redfield, Jim Melin, Amy McNamara, Ariel Overstreet, Kraig Glazier, John Baucus, Jerry Wiscomb, Jeanne Souvigney, John Lelfeldt, Nina Baucus, Jim Hoover, RaeMarie Gordon, Jay Bodner, Errol Rice, Charlene Schuster, John Steuber, Druska Kinkie, Rachel Kinkie, Janene Molebash, Eileen Rose, Jeremy Seidlitz, John Helle, Ken McKamey, Dave McEwen, Dean Stanchfield, and Betty Sampsel.

## **Board Communications**

Jan French:	Hobson is hot. Lots of hay but drying out now. Hay prices are steady.
Becky Weed:	Ditto, hot and dry in the Belgrade area.
Meg Smith:	Divide area is also hot and dry, grass is drying up.
Stan Boone	The Ingomar area is in pretty good shape. Lots of hay available. Hot and dry.
Linda Nielsen	The Nashua area is extremely hot and dry. Combines are setting fires while trying to harvest. Bad hail damage recently, she lost 3000 acres.
Bill Hedstrom	Milk prices are up, but so is feed. Hay is \$100/ton but going out of state faster than it can be cut

**Approval of Minutes** Rescheduled for Tuesday. Board members requested time to read hard copies of meeting minutes.

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## Executive Office

Beef Council Update. Charlene Schuster presented the Board with the Montana Beef Council annual report. She discussed the renewal of the contract between DOL and MBC due in September. She explained about the FMD (Foot & Mouth Disease) Summit scheduled for Wednesday December 12, 2007 in Billings. The event will include state veterinarians, producers, and ag quality people from Montana, Wyoming, Colorado, Washington and Oregon. She added that North America is the only continent that does not have FMD now. FMD is considered the biggest current risk to our region.

**Jan French moved to endorse the proposed Beef Council FMD Summit. Linda Nielsen seconded and the motion carried unanimously.**

Wildlife Services Update John Stueber introduced WS supervisors Jim Hoover, Eastern District, Kraig Glazier, Western District, and Jerry Wiscomb, Wildlife Disease Biologist for USDA APHIS. He then reviewed the services provided by Wildlife Services, including investigation of all wildlife predation. October first through July 20, 2006, WS radio collared nine wolves and killed two, 22 calves were killed and one injured by wolves during that time period. So far this year 11 wolves were radio collared, 39 killed while 65 calves were killed and 11 injured by wolves. The wolf population is still increasing 20-27% per year.

John also discussed the renewal of the five year cooperative service agreement between DOL and WS. He described it as an agreement to share resources. A handout for the board included an explanation of services provided, and the annual work plan.

**Jan French moved to authorized the Executive Officer to sign the cooperative agreement with Wildlife Services. Meg Smith seconded and the motion carried unanimously.**

**Linda Nielsen moved to authorize the financial plan with Wildlife Services and to authorize the Executive Officer to sign this agreement. Jan French seconded.**

Discussion followed and an amendment was made to the original motion.

**Jan French moved that any money left over from insurance and contract to participating counties be used for the Wildlife Services work plan. Stan Boone seconded and the amended motion carried unanimously.**

Public Comment included input on:

- the importance of WS to producers
- the need to keep WS active in Montana
- the good working relationship between WS and producers
- the ever growing predator problem
- members of the public spoke for WS

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- appreciation to the board for continuing to work with WS

Approval of Executive Officer Weekly Reports Board discussion centered on clarification on some issues and activities

**Becky Weed moved to approve the Executive Officer's reports as presented. Linda Nielsen seconded and the motion carried with Meg Smith voting no.**

Approval of Chairman Interim Activities and Actions The board discussed actions and activities by the chairman.

**Jan French moved to approve interim activities and actions by the Chairman. Linda Nielsen seconded and the motion carried with Meg Smith voting no.**

Meg Smith stated, "The chairman is not the board and should not be privy to information the other members do not have. The entire board needs to be informed of any pertinent issues or meetings." This in reference to a proposed meeting which had been postponed without polling of board members.

PIO Position The PIO position description was sent out to board members for review prior to this meeting. The board had voted to fill the position in a prior meeting agreeing that the department has budget and authority to fund the position. Christian Mackay requested input from the board on filling the vacancy. George Harris stated funding is in the budget using per capita fees out of Central Services, and bison funding when the PIO position is utilized for bison activities. Mr. McKay said recent contract services for public information services expended the allotted \$10,000 in six to eight weeks. Dr. Rankin reiterated the need to fill PIO position.

**Jan French moved to advertise for the Public Information Officer position. Linda Nielsen seconded and the motion carried unanimously.**

E government Oversight Committee Christian Mackay explained that he was asked to serve on this committee which is an oversight and advisory board to the contractor to the state Admin I.T – Montana Interactive. After discussion the consensus of the board is that Christian should serve on this committee.

### **Diagnostic Laboratory**

Fee Schedule Dr. Layton discussed the spreadsheet comparing past fees and 2006 fees from various regional laboratories. He explained the fees in red indicate proposed increases. He estimated the need for an eight to ten percent increase to make up for an approximated \$60,000 shortfall after increased general fund and decreased per capita and increased costs in shipping, supplies and testing products. The suggested fee increase will add between \$60 and \$75 thousand to lab funds. Dr. Layton added that proposed fee increases do not begin to cover lab costs as allowed state statute but will keep lab fees competitive with other labs utilized by potential customers. George Harris agreed that the department will have to pay for lab services

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from per capita funds unless fees are increased along with the increased general fund allocations. He advised the board that lab fees should be increased.

Public Comment Producer and public comment included:

- the need for the state diagnostic lab
- the need for fast and complete diagnosis
- commendation of the lab for quality testing.
- the provision of services at comparable prices
- the need to keep lab fees affordable

**Jan French moved to approve the new fee schedule as proposed with minor corrections/edits as required. Becky Weed seconded and the motion carried unanimously.**

Grant and Lab Updates Dr. Layton reviewed expenditures and balances on a variety of grants to the diagnostic lab. He explained testing fees and requirements regarding brucellosis testing and that under federal purchase orders the lab can do up to 31,000 federal tests at 45 cents each. It might be necessary for lab personnel to attend brucella rapid testing procedure training in Idaho. This training is imperative in case of another brucellosis outbreak.

AAVLD Accreditation Dr. Layton said accreditation is scheduled for October 29 & 30. He invited Christian Mackay, the state veterinarian, and representatives of the board to be there to speak with AAVLD accreditors, emphasizing the importance of this accreditation.

AAVLD Meeting The next AAVLD meeting will be scheduled for mid-October. Dr. Layton plans on attending and would like Jeff Marshall (PCR tester) to attend also. The estimated cost for both is \$1,600 including travel and motels.

## **Recess**

The meeting recessed at 3:15 p.m. for a break.

## **Reconvene**

The meeting reconvened at 3:30 p.m.

## **Milk & Egg Bureau**

Updates Dan Turcotte explained that he is looking to fill the Bozeman vacancy with a part-time person. Adding that this would fill a need in that area and ease travel costs and scheduling burdens for those now trying to cover those plants and producers.

## **Brands Enforcement**

ARM Amendment John Grainger explained the need for an ARM amendment to the hot brand section citing the need to address cattle with peeling brands sold at markets without a bill of sale. The current procedure is for markets to hold proceeds until proof of ownership is provided but there is no rule in place addressing this issue. After discussion, the board tabled

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this item until Tuesday. They asked Mr. Grainger to bring a draft of the proposed amendment for them to review.

Reimbursement Request Mr. Grainger explained that DOL employees use their personal horses for DOL activities and are paid \$30 per month to keep the animals available, but nothing for the use. He explained that in other agencies owners are paid \$30 to \$50 per day when using their own mount. He continued that each of the 18 district investigators and 2 animal health investigators use their own animals for DOL activities. Bison management personnel also provide their own horses. Mr. Grainger asked the Board to consider reimbursement when personal horses are used in the line of duty. He said the other option is to purchase and maintain horses for to personnel including bison management to use, upwards of 20-30 horses. Advantages of employees providing their own mounts include:

- safety- they know their mount and its reaction in difficult situations
- cost effectiveness:
  - mounts are pastured near the employee for quick access, & owner pays feed and vet bills, has own tack and usually own horse trailer
  - no need for DOL to purchase & pasture animals, provide tack, feed, vet services, horse trailers etc

The board tabled this item until the next board meeting with a request for a specific reimbursement schedule from Mr. Grainger at that time.

Brand Issue John Grainger explained a misbranding issue and the request by the brand owner to be heard by the board. He said the issue started when funds were withheld by the market because the brand on the livestock did not match the brand registered to the brand owner. Brands enforcement personnel researched the issue but the brand owner refused to accept DOL findings. The brand is FR connected at the top, left hip, owned by Mr. Dean Stanchfield. Mr. Stanchfield said the brand has been in the family since 1936. He said the brand "used to be" FR connected at the top, but that was "changed sometime back" when they began branding with two irons not touching (no bar at the top). Recently market funds were held at Montana Livestock Auction when the misbranding was discovered. He asked that the Board allow him to continue branding FR straight away (no bar at the top) because "they have been doing that way and no one caught it before now." Board discussed which brand was truly owned by Stanchfields and the possible of allowing the change. The agreed that the requested brand is available in the same spot but is not the brand registered to Stanchfields.

**Stan Boone moved to make an exception and allow Stanchfields to use the FR straightaway –not connected. This exception is not to set a precedent. Any other brand issue from other parties must come before the board for review. Stanchfields must surrender the old certificate and be reissued the FR straightaway. Jan French seconded and under voice vote the motion carried unanimously. Voice vote as follows: Jan French, aye; Becky Weed, aye; Meg Smith, aye; Stan Boone, aye; Bill Hedstrom, aye; and Linda Nielsen, aye**

Care Care Program Jim Moline, rancher south of Livingston, explained that he is

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promoting donations on behalf of the Morgans as part of Ranchers Lending a Hand. Anyone wishing to contribute can contact him at 333-4373 or Jackie Milsen, Upper Yellowstone Watershed, 222-8899 ext 111.

### **Animal Health**

Official Orders Dr. Rankin asked for board authorization to issue two orders:

- 1) Official Order # 07-01-I -EVA Limitation on Imports

She explained rules have been on the books for many years but noting specific for live semen, only semen shipments. She said the ARM is clear.

**Meg Smith moved to approve Official Order 07-01-I EVA as presented. Jan French seconded. The motion carried unanimously.**

- 2) Official Order # 07-02-I TB in Rodeo Stock

Dr. Rankin said this order is a stop-gap fix until an ARM rule can be put in place. She mentioned the rodeo bull in Colorado which was recently found positive for TB. Last year this bull traveled to ten or twelve different states in four different herds and that shows the need is clear. The whole Western States Veterinarians agreed. PBR and roping steers present a real risk, this is a costly disease, testing, killing, etc. She then suggested an ARM rule addressing this issue as the best solution.

**Jan French moved to authorize the implementation of Official Order 07-2-I TB Testing as presented. Stan Boone seconded and the motion carried unanimously.**

Animal Health Updates Dr. Rankin reported on the following:

- over 250 dogs and cats were reported so far this year as unvaccinated with possible exposure to rabies
- Coggins testing is for Equine Viral Anemia
- 27 positive bulls reported for Trich
- requested input from groups and organizations prior to writing or amending ARM rules

### **Adjournment**

The meeting was adjourned the meeting at 4:50 p.m.

**July 24, 2007**

**Department of Livestock Conference Room**

### **Call To Order**

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The meeting was called the meeting to order at 8:05 p.m.

## Attendance:

### Board of Livestock

Bill Hedstrom, Meg Smith, Linda Nielsen, Janice French, Rebecca Weed, and Stan Boone. George Hammond was absent.

### Department Personnel

Christian Mackay, Executive Officer; George Harris, Centralized Services Administrator; Carol Olmstead, Meat and Poultry Inspection Bureau Chief; John Grainger, Brand Enforcement Administrator; Dr. Jeanne Rankin, Acting State Veterinarian, Animal Health; Clyde Huseby, Animal Health; Evaleen Starkel, Alternative Livestock, and Sherry Rust, Executive Secretary.

### Public

RaeMarie Gordon, Errol Rice, Bill Myers, Ariel Overstreet, Fred Finke, John Steuber, Jerry Wiscomb, Dr Frank Houle, John Baucus, Nina Baucus, Dr Ryan Clarke, Carol Boone, Don Woerner DVM, Lewis Wilks, Bruce Malcolm, Jim Morgan, Seth Broesader, Jay Bodner, Kraig Glazier, Amy McNamara, Jeanne Marie Souvigney, Druska Kinkie, Rachel Kinkie, Janine Molebush, Alan Redfield, Eileen Rose, Jeremy Seidlitz, Tom Daubert.

## Animal Health

Brucellosis Epidemiological Investigation Update Dr Rankin presented a summarization and timeline of the brucellosis investigation to the board:

- 7 positive cows were traced back to Bridger for the index case and ranch of origin
- Index case was brought in from Emigrant as bred heifer in November, 2005, aborted in December, 2005, and again in 2006.
- 44 head shipped to Iowa with index case were considered part of index herd, had 60 day slaughter withdrawal because of vaccination, and were depopulated July 16, 2007
- source herd in Emigrant tested negative in two testing 30 days apart, a herd plan is in place for more testing this fall and next year
- 22 contact and adjacent herds have herd plans in place (Carbon and Park Counties, and Wyoming) with DOL and USDA
- Over 2500 head of cattle were tested negative from contact and adjacent herds
- Over 400 trace outs and trace ins tested negative or were previously slaughtered
- Animals were traced to many surrounding states
- Fall testing of all contact and adjacent herds remain
- The epidemiological review will take place in Helena on August 14 & 15, 2007. Dr. Don Evans, Eastern Region Brucellosis Epidemiologist from USDA will review records and the investigation with assistance from Dr. Rankin and key personnel.

Dr Rankin then thanked investigation participants: *"I want to publicly thank Dr. Brent Thompson, Ms. Becky Frey, and Mrs. Sandy Copenhaver from USDA APHIS, and Mr. Peter Olson and Mr. Paul Johnson, District Brand Inspectors, and Mr. Clyde Huseby, Animal Health Investigator, and Dr Frank Houle, Animal Health Brucellosis Epidemiologist, for their outstanding work above and beyond the call of duty in protecting the Montana cattle industry from the potential of losing her Class Free Status. These folks are Montanans and it really shows in their efforts to bleed or*

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*trace each cow with aggressiveness and enthusiasm for getting the job done completely, and perfectly within the time frame of 60 days that were in USDA's rules. My sincere thanks to them and also to Mr. Ted Wall, and Mr. Dan Selle, District Brand Inspectors, and Mr. Tyler Bond, Animal Health-Bison Investigator, who assisted in the bleeding teams and helping with quarantines. Many other brand inspectors were given the task to trace animals within their districts and markets as well as Helena office staff in Brands and animal health were critical to the success the Department of Livestock and USDA achieved by completing the epidemiological investigation in such an accurate, timely fashion. I am very proud of all of you and I know industry thanks you from the bottom of their hearts."*

Public Comment followed with:

- positive comments regarding the investigation
- appreciation to DOL for their thoroughness and professionalism
- lack of communication from DOL and USDA APHIS
- frustration with both DOL and USDA APHIS throughout the investigation
- DOL should do more for the index herd owners
- DOL's duty is to serve and protect through the states regulatory statutes and rules

Following a question and answer period, board members discussed achievements and shortfalls during the investigation and noted the need to develop an emergency work plan for use in any future incidents.

### Recess

The meeting recessed at 9:45 a.m. for a break.

### Reconvene

The meeting reconvened at 10:00 a.m.

Yellowstone Bison Population Management Activities Rob Tierney presented a handout and reviewed bison activities for this season. He made recommendations, citing successful and unsuccessful strategies used this year, in planning future management. A question and answer period followed with suggestions and comments for the management plan in the future. Board consensus is that the bottom line is still protection for the producer through management of diseased bison moving from Yellowstone Park onto private land with the state of Montana.

### Recess

The meeting recessed at 12:05 p.m. for a break.

### Reconvene

The meeting reconvened at 12:35 p.m.

### Approval of Minutes

The board revisited the subject of approving minutes for meetings held since the last regular board meeting, assuring that each member had read the drafts.

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Jan French moved to approve the minutes of the April 26 & 27, 2007, special board meeting as presented. Linda Nielsen seconded. The motion carried with Meg Smith abstaining.

Jan French moved to approve the minutes of the May 7 and 8, 2007, regular board meeting as presented. Stan Boone seconded and the motion carried unanimously.

Jan French moved to approve the minutes of the May 29, 2007, Governor's emergency board meeting as presented. Linda Nielsen seconded. The motion carried with Meg Smith abstaining, and Becky Weed declining to vote because she was unable to attend the meeting.

Jan French moved to approve the minutes of the July 3, 2007, board conference call as presented. Stan Boone seconded and the motion carried. Meg Smith declined to vote as she was unable to attend the call.

Stan Boone moved to approve the minutes of the July 11, 2007, board conference call as presented. Jan French seconded and the motion carried with Meg Smith abstaining.

## Brands Enforcement

Proposed Fresh Brand Rule John Grainger presented a draft of the proposed amendment to include fresh brand rules into current hot brand rules in the ARM. He reviewed current protocol and procedures observed in the markets and explained the need to have rules put in place to authorize those procedures.

Linda Nielsen moved to approve the proposed amendment contingent on suggestions from the department's contract attorney. Jan French seconded. The motion carried unanimously.

## Animal Health

Updates continued Dr. Rankin addressed the need to impose fees for services provided by the Animal Health Division. Such fees would help the division with expenses incurred in providing the services. She said review and update of existing animal health Administrative Rules is also needed. The board charged executive officer Christian Mackay with pursuing costs and ability to review animal health statutes.

Dr. Rankin explained the staffing shortage in animal health and proposed the following:

- 3 import persons (2 currently)
- 1 administrative support person for the state veterinarian (in place now but doing imports)
- 1 field veterinarian position, 2 would be better (none in place now)

She suggested funding solutions including:

- requesting general fund money because imports relate to public health
- contracting the additional import position until it can be added to the EPP

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- utilizing 1 FTE position (currently available through bison grants) for the field vet position. The board discussed pros and cons and how to approach hiring into the proposed positions.

**Jan French moved that Animal Health Division move forward with the proposed field vet position, bring a position description to the next regular board meeting, and to authorize a field vet position from bison program funds - to be in place this fall. Becky Weed seconded and the motion carried with Meg Smith abstaining.**

**Stan Boone moved to authorize hiring an import person immediately as a contracted temp until the position can be entered into the EPP. Jan French seconded. The motion carried unanimously.**

### **Centralized Services**

**LIMS Update** Jim Newhall introduced Conrad Flynn as the new I.T. support person. He then provided an overview of the LIMS program. He explained that when it was recently activated they experienced huge bottlenecks and it had to be inactivated. I.T. is working to eliminate the bottlenecks section by section. The goal is to have the total system back up by fall.

Jim will present an I.T. plan to the board as soon as the LIMS project is complete. He and the board will then prioritize the proposed projects.

**Milk Control Bureau/Board** Monte Nick gave an update including the good news that Class 1 milk is at \$24.3, Meadow Gold is about 10% behind Darigold in production, and Country Classics has dropped the Darigold name. Clyde Peterson spoke on Milk Board issues and an update on Board of Milk Control vs. Dairygold. His final suggestion is to wait for the opposing side to give final interpretation to Monte and the board.

**Preliminary Per Capita Headcount** George Harris said the preliminary count is up approximately 100,000 head so revenues will go up if the board uses existing per capita rates. He will present his recommendation at the September meeting (budget needs vs. headcounts.)

**Fiscal Year End 2007** George then reviewed the current budget, division by division. He noted a dramatic increase in tests (21%) at the diagnostic lab and explained the transfer of funds from spending authorities of other divisions (\$138,000 from animal health, \$24,000 from BOHR, \$7,500 from the Milk Lab) to help the diagnostic lab get through the fiscal year end.

He reviewed grant balances and audit exceptions. He said the auditors are going to Revenue with questions concerning accurate per capita reporting.

**Livestock Loss Mitigation Board – Update** George reported that nominations were in and reviewed and the position description is completed. Handouts will be sent to the board, with brief background supplements as soon as they are compiled, along with a copy of the proposed duties. The board can then submit their choices by email for presentation to the Governor.

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Broad Band Pay Transition George reviewed the ongoing transition to Pay Plan 20, the legislative pay increase, and transition costs.

Authorization to Act on Workers Comp Matters George presented a copy of the proposed authorization to allow the Department of Administration to negotiate for the department in workers comp matters and explained the advantages to this arrangement.

**Becky Weed moved to authorize signing of the document authorizing the Department of Administration to negotiate on behalf of the Department of Livestock in worker compensation matters. Jan French seconded and the motion carried unanimously.**

### **Schedule Next Meeting**

The Board scheduled the next regular Board meeting for Monday September 10, 2007, at 1:00, p.m. and Tuesday September 11, 2007, at 8 a.m.

Bison Management Discussion The board discussed possible revisions to the IBMP plan and options available. Goals include moving forward, considering changes to avoid reoccurrence of situations as happened this spring. The discussion gave opportunity for input from the public. General consensus is that the problem will only get worse with growing numbers of diseased bison and less feed inside Yellowstone Park.

Discussion then turned to the IBMP MOU originally presented two years ago. Questions centered on where it stands now, has Montana's Governor signed it, have Wyoming or Idaho's Governors signed, and what wording is contained in the document now. Christian Mackay agreed to see about inviting the Governor to the next board meeting for clarification.

### **Adjournment**

The meeting was adjourned meeting at. 3:25 p.m.

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BILL HEDSTROM, CHAIRMAN  
BOARD OF LIVESTOCK